

<p>UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK</p> <p>----- x UNITED STATES OF AMERICA</p> <p>- v. -</p> <p>HO WAN KWOK, a/k/a "Miles Guo," a/k/a "Miles Kwok," a/k/a "Guo Wengui," a/k/a "Brother Seven," a/k/a "The Principal," KIN MING JE, a/k/a "William Je," and YANPING WANG, a/k/a "Yvette," Defendants.</p> <p>----- x</p>	<p>PETITION UNDER FED. R. CRIM. P. 32.2 AND 21 U.S.C. § 853(n) FOR ADJUDICATION OF PETITIONER'S RIGHT TO SPECIFIC PROPERTY OF [\$300,000.00]</p> <p>S1 23 CR 118 (AT)</p>
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I, CAROL LING CHEN (the "Petitioner"), pursuant to 21 U.S.C. § 853(n) and Rule 32.2(c) of the Federal Rules of Criminal Procedure, hereby respectfully petitions the Court for a determination of the Petitioner's interest in specific property subject to the Court's Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, signed by Your Honor on January 6, 2025 and entered on January 7, 2025, (the "Forfeiture Order") which includes various bank accounts ("Forfeited Accounts"), Dkt. 488, to exclude all property in which the Petitioner has right, title, and interest, namely, [\$300,000.00] (the "Property"). In support hereof, I, the Petitioner state as follows:

1. I, the Petitioner transferred U.S. currency to the Forfeited Account as below :
2. On January. 27, 2022, I invested [\$300,000.00] to Hamilton Opportunity Fund via confirmation#0132803128. Upon information and belief, these funds were transferred into Hamilton Investment Management, Ltd, account number 5090042770 at Silvergate Bank, and seized by the Government on or about September 18, 2022 (23-FBI-000074).
3. I, the petitioner, never received any funds or investment back from the investment before they were seized by the government, having now suffered a total of unrecovered funds of my [\$300,000.00] investment.
4. I, the petitioner, was not consulted prior to the entry of the Forfeiture Order. I had no knowledge that Defendant consented to forfeit the Property.
5. As an owner of the above listed asset, I, the petitioner has an interest in the Property which Defendant had no authority to agree to forfeit. Rather, Petitioner has a superior interest in the Property which cannot be the subject of the Forfeiture Order relating to Defendant.
6. I was not involved in, nor did I have any knowledge of the Defendants' activities. Accordingly, I am also an innocent third party pursuant to 21 U.S.C. § 853(n). Any third party "asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may petition the court for a hearing to adjudicate the validity of his alleged interest in the property." 21 U.S.C. § 853(n)(2). The petition, which is sworn and signed by the me, "shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, and additional facts supporting the petitioner's claim, and the relief sought." Id. § 853(n)(3).
7. Here, I, the petitioner, is the lawful owner of the Property.

8. In the alternative, Petitioner is a bona fide purchaser for value of my interest in the Property under 21 U.S.C. § 853(n)(6)(B).

9. I, the petitioner was made aware of the Order of Forfeiture by viewing it at www.forfeiture.gov (which was published from February 6, 2025 through March 7, 2025) noting that: “pursuant to Title 21, United States Code, Section 835(n), persons other than the defendant who wish to assert a legal interest in property that has been ordered forfeited to the United States must file a petition for a hearing to adjudicate the validity of their alleged interest in the property with the Court within thirty (30) days of the final publication of notice, or receipt of actual notice, whichever is earlier.”

10. I, the Petitioner has filed this petition within 60 days of the initial publication of notice. WHEREFORE, Petitioner respectfully requests and petitions this Court:

- a. to amend the Forfeiture Order to exclude the Property in which Petitioner has a right, title, and interest as an innocent third party, superior interest, and/or a bona fide purchaser for value.
- b. for a hearing pursuant to 21 U.S.C. § 853(n) on any disputed matters.
- c. in the alternative, and in the event that this Petition is denied, I hereby respectfully assert a claim for compensation for my interest in the Property.
- d. for such other and further relief as the Court deems just and proper.

Dated: Mar.26, 2025

Respectfully Submitted,
CAROL LING CHEN

A handwritten signature in black ink, appearing to read 'CL Chen', written over a horizontal line.

(signature)

VERIFICATION

I attest and declare under penalty of perjury that my petition is not frivolous and the information provided in support of my petition is true and correct to the best of my knowledge and belief.

Executed on March 26, 2025, in Yorba Linda, CALIFORNIA, USA

CAROL LING CHEN

A handwritten signature in black ink, appearing to read 'CLC', is written over a horizontal line.

(signature)